

Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, June 1, 2006, 7:00 p.m.
Council Chambers, 26379 Fremont Road
cc: Cassettes (1) #7-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Carl Cahill, Planning Director; Debbie Pedro, Senior Planner; Brian Froelich, Assistant Planner; Victoria Ortlund, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1. LANDS OF PICETTI, 12390 Hilltop Drive (107-05-ZP-SD-GD-VAR-CDP) A request for a Site Development Permit for a new 4,978 square foot two-story residence (maximum height 26.5 feet). The proposal includes a 1,544 square foot basement and a request for a Variance for one required parking space, two bay windows, and a chimney to be located in the side (interior) setback. (staff-Brian Froelich). CEQA Status; exempt per 15303 (a).

Brian Froelich, Assistant Planner, summarized the staff report stating that the one half acre site was located at the southwest corner of Hilltop Drive and Hillview Road. The site required a 5 foot right of way dedication for a 30 foot half width on Hillview Road. The proposed two-story residence incorporated a conforming basement into the design for a total of five bedrooms and five and a half bathrooms. The site driveway access was from Hilltop Drive. The proposal included a light well and patio in the rear yard. The design complied with height, floor area and development area requirements. The applicant has proposed variances for a kitchen window, bay window and chimney to encroach into the setback. A parking variance for one uncovered parking space was requested. The width of the setback with the 5 foot right of way dedication is 35 feet so the width requirement of four 10 foot spaces could not fit within the building area. The property size and shape compared to a rectangular one acre lot presents difficulties in design. The building area (the area within the setback) for this property is around 5,500 square feet or 25 percent of the total property size. For a standard one acre lot, the building area would be about 21,000 square feet or approximately 50 percent of the property size. With the 5 foot right of way dedication the property loses about 660 square feet of the building area. The total area requested in the variance equals 240 square feet in the setback. The property shape as it

narrows presents difficulty with the parking and has an average width of 45 feet where a typical one acre would have an average width of approximately 80 feet. The proposal is subject to a conditional development permit. The conditions of approval recommend a 10 foot pathway easement; installation of a 2B type pathway along Hillview Drive; and removal of 3 pine trees to be replaced with screening that will be determined at a future landscape hearing. Staff had received a letter of support from the neighbor nearest to the proposed variances.

Chairman Cottrell commented that the proposed pathway easement is asking for an extra 10 feet in the setback in addition to the 5 feet. If that easement were granted it would be possible to have a pathway within 20 feet of the house and he felt this was unnecessary. The street right of way along with the 5 foot easement is wide enough for a pathway and he sees no reason to grant this easement for a pathway.

Commissioner Clow questioned how the variance request compared to the variances recently granted to a similar project, Lands of DeGiovanni and Sander. Debbie Pedro replied that the DeGiovanni and Sander approved variance was for a chimney encroachment into the setback with a footprint of approximately 2 by 11 feet. The Lands of Eshghi project had received a variance for parking out of the setback.

Commissioner Carey asked for clarification in the Conditions of Approval number 23 regarding the 30 foot wide half width public right of way requested. Brian Froelich, Assistant Planner, explained that Hillview Road required a 30 foot half width and the current half width is 25 feet so the extra 5 foot equals the requirement.

Darryl Harris, architect for the applicant, commented that the pathway request was asking to put a hardship on the property. He explained the variance requests for the projections into the setback for the fireplace, kitchen window and bay window and offered to answer questions.

Commissioner Clow asked where the fourth parking space would be put if the setback variance was not granted. Mr Harris replied that he did not have an answer because there is no other place it could be located.

OPENED PUBLIC HEARING

Carol Gottlieb, Summerhill Avenue, had concerns about water seepage out of the middle of the road next to the property on Hilltop Drive and the amount of water coming off the property, especially in the last winter. She wanted to know what provisions were being made to hold the water on the site. The roads have become rutted because of the drainage and she wondered where the water would go because the house would take up most of the lot. Gottlieb's property is the corner lot of Summerhill Avenue and Hilltop Drive and it accepts all of the drainage from Hilltop Drive and Hillview Road. Gravel and rocks are often brought down during heavy rain into the ditch.

Commissioner Collins asked what the new coverage on the property would be compared to the existing coverage. Assistant Planner, Brian Froelich, replied that the proposed increase in development area was 3,209 square feet.

Carol Gottlieb, Summerhill Avenue, commented that the other home on the lot had very little landscaping and did not use excessive water. She raised additional concerns about the size of the house and basement taking up additional space on the lot and the drainage implications. She observed that the development area was nearly used up for the hardscape and emphasized that the setback should not be used for the purpose of outdoor living.

Sandra Humphries, Environmental Design Committee, requested the removal of the invasive species of bamboo and pampas grass on the property.

Commissioner Carey asked Sandra Humphries the reason why the three Monterey pines on the property should be removed. She replied that the trees are unhealthy and this would be a convenient time to remove them.

Carol Gottlieb, Summerhill Avenue, commented that the pathway should be in the 5 foot easement and need not be widened and requested the pathway not be paved with a hard surface because of the horses using the pathway.

Mike Piccetti, applicant, spoke to the fact that California Water Service Company was investigating the seepage problem on the street and the possibility of a main leak. He stated that the property is dry with no standing water collecting on the site. He suggested that the water problem could be from a water service leak to one of the homes or ground water seepage.

Chairman Cottrell asked about an 8 inch PVC drainage pipe and box shown on the plan. Mr. Piccetti stated that he was trying to comply with the engineering department requirements for drainage in regards to the pipe. Mr. Cottrell asked about landscaping of the property, the invasive species and Monterey pines. Mr. Piccetti responded that the intent was to remove all the vegetation on the site except the oak trees and other valuable mature trees. He had no objection to eliminating the Monterey pines and replanting with something more attractive.

CLOSED PUBLIC HEARING

Commissioner Carey supported the application and commented on the good job the architect and applicant had done designing a nice home for the constrained site. He had concerns granting the variances for the windows encroaching into the setback as a design element in contrast to the chimney, which is justified. He stated that variances had been granted in the past to the Eshghi property for parking.

Commissioner Kerns supported the project and mentioned the DeGiavonni and Sander variance for a chimney in the setback. He saw no other choice for location of the parking spot. He had concerns about the additional pathway request and stated the path could be put in the road right of way.

Commissioner Collins supported the project including the windows, chimney and parking space variances. She stated the approval should include the removal of the pampas grass and bamboo. She requested suggestions on how to address the drainage issues.

Carl Cahill, Planning Director, explained that vegetated swales are proposed to run along the length of the property. A drainage condition could be added to condition number 16 to ensure that post-development run-off does not exceed pre-development run-off. A civil engineer could prepare calculations to measure the run-off and show if modifications to the plan are needed or if the vegetated swales are adequate to prevent an increase in rate and quantity of run-off flow.

Commissioner Clow supported the application and asked to have the invasive species of plants and the Monterey pines removed. He would not require a special drainage condition because of the potential for great increase in cost for the applicant. He did not support the 10 foot pathway request.

Chairman Cottrell explained that the pathway should be in the street right of way within the 5 foot dedication. He stated that the city engineer had approved the drainage and the specific condition should be included that post-development run-off equals pre-development run-off. For landscaping, the removal of the mentioned particular species should be specified.

MOTION SECONDED AND CARRIED: Motion by Commissioner Kerns, seconded by Commissioner Carey and passed unanimously to approve the Conditional Development Permit and setback variances subject to the recommended conditions of approval and required findings in Attachment 1, Attachment 2 and Attachment 3 with the following changes: add to condition number 15 to require the removal of the pampas grass and bamboo; a new condition number 16 be added that requires engineering calculations to be submitted that show the new off site run-off is no worse than the prior run-off; and removal of condition number 26 that requires the additional 10 foot pathway easement adjacent to Hillview Road.

AYES: Chairman Cottrell, Commissioners Clow, Collins, Carey and Kerns

NOES: None

This approval is subject to a 22 day appeal period.

3.2 LANDS OF BOYNTON, 25045 Oneonta Drive (18-06-ZP-SD-GD-VAR) A request for a Site Development Permit for a new 4,608 square foot two-story residence (maximum height 27 feet). The proposal includes a request for a Variance to locate two required parking spaces in the side setback, a 1,716 square foot basement, and a new driveway. (staff-Brian Froelich). CEQA Status; exempt per 15303 (a). **(continued).**

3.3 AN AMENDMENT TO THE ZONING ORDINANCE (SEC. 10-1.502(B)(5)B) ALLOWING UP TO 500 SQ. FT. OF ADDITIONAL DEVELOPMENT TO PROPERTY OWNERS WHO INSTALL AN EQUAL AMOUNT OF ROOF MOUNTED SOLAR PANELS SUBJECT TO CERTAIN CONDITIONS. CEQA REVIEW: MITIGATED NEGATIVE DECLARATION. (Staff – Carl Cahill)

Carl Cahill, Planning Director, presented the staff report stating that the development area bonus idea was initiated by the Energy Initiatives Committee to create an incentive for residents to construct solar panels at their homes to reduce the use of electricity from PG&E.

Commissioner Kerns questioned the Sunset provision and why it used in this ordinance when not normally put in an ordinance. Carl Cahill explained that Sunset provisions are fairly common, and the idea in this ordinance was to motivate people to purchase a solar system with the knowledge there was an expiration date for the bonus.

Commissioner Kerns had concerns that when the ordinance expired, projects approved with the 500 foot additional development area would then be non-conforming. Carl Cahill responded that the projects would have been permitted.

Commissioner Carey questioned if the Sunset clause was meant to accelerate the use of the bonus area. Commissioner Clow explained that the idea of the Sunset provision was to “prime the pump” to get people started putting solar panels on rooftops. In seven years, solar panel installation may be routine and the incentive may not be needed. The ordinance could always be renewed or extended for a longer period of time. The idea was to give people a push and to get installations completed that would not happen otherwise. Commissioner Collins commented that in seven years solar technology is likely to be very different and the bonus may be reduced.

Chairman Cottrell questioned the “cash performance deposit”. He felt that the way it was worded sounded as if a person could pay the deposit and use the 500 foot bonus and never put anything on the roof. He expressed the need to “clean up” some of the language in the ordinance to make it more understandable. He asked for an explanation of the “double dipping” statement of the ordinance.

Discussion ensued among the Commissioners on the issue of the bonus area award. Commissioner Carey asked why properties smaller than one acre did not get a proportional bonus. He stated that some small lots would not be eligible because they could not conform to setback requirements but it may not be fair to deny the benefit if they do have available area out of the setback. Commissioner Clow replied that there was a concern that solar panels may be visually unpleasant and a one acre lot would provide enough space for solar panels to be placed out of view. Commissioner Carey stated that smaller lots that have the room for development and conform to setback requirements should not be exempted from the bonus. Chairman Cottrell and Commissioner Clow agreed.

Commissioner Carey asked about Ordinance letter E; grading exceptions; non-conforming situations and the ability to receive the bonus. Commissioner Kerns questioned the need for Letter E in the ordinance. Commissioner Collins responded that Letter E was in the ordinance to make it clear that the 500 MDA bonus could not be granted if a variance was requested. Commissioner Carey agreed that projects with variances or exceptions requested should not be given the additional credit.

Commissioner Kerns agreed but pointed out that the grading policy is not a variance and every project must meet the grading policy.

OPENED PUBLIC HEARING

Dot Schriener, Saddle Mountain Drive, had concerns about the staff report and negative declaration. She asked if the one acre lot size referenced was meant to be a gross acre or a net acre. Carl Cahill answered that the measurement was a net acre. Ms. Schriener mentioned that the "Environmental Factors Potentially Affected" section on page 3 had no check mark under "Land Use and Planning" and she thought there should be one. She mentioned that the Town's General Plan in many elements called for a rural or semi-rural atmosphere with limited development. This ordinance would theoretically allow another million square feet of development area. On page 15 under the "Mandatory Findings of Significance", the argument is put forth about mitigation with the limited time frame. She had never heard of any policy, code or ordinance in the past that gave more floor or development area being abandoned. Instead, they have just been extended or increased. She stated that storm water runoff is a great problem and needs to be considered. She felt energy saving measures important in helping reduce energy consumption and that the Town should help residents find ways to reduce the cost of expensive solar panels.

Farzin Shahidi, La Rena Lane, wanted the ordinance approved to help reduce dependence on foreign oil.

John Harpootlian, Energy Initiatives Committee, expressed that the goal of the committee was not specifically to give away development area but to try to find an incentive for people to add solar systems. He welcomed suggestions but felt that this ordinance was reasonable.

CLOSED PUBLIC HEARING

Commissioner Kerns supported the ordinance after the discussion on "Double Dipping" and the "Sunset Provision" and thinks the ordinance is a good idea with the exception of the grading portion of item E.

Commissioner Carey did not support the ordinance. He felt the mitigated negative declaration was questionable.

Commissioner Collins supported the ordinance and explained that after discussion with the Energy Initiatives Committee she realized how important a bonus was for people putting up solar panels and wants to make the ordinance work. She wanted to move forward with the ordinance even though the mitigated negative declaration appeared questionable.

Commissioner Clow supported the ordinance and explained that the Energy Initiatives Committee was trying to build enthusiasm within Los Altos Hills to have more solar projects than an average community. Offering as many incentives as possible would help

launch this solar effort and at the end of seven years this program may not be needed or it could be changed. He expected only a couple hundred solar projects that would not change the face of the town. Clow believes there is substance behind the ordinance and the town has the capacity to be very creative and could be a leader in solar technology for the whole country.

Chairman Cottrell supported the ordinance but stated the language of the ordinance needed to be more clearly written. The ordinance should allow for amendment if needed. Chairman Cottrell stated that he sat on the General Plan Committee and he felt there should be a check mark by "Land Use and Planning". He thought the ordinance was a bit open ended.

Commissioner Carey asked for permission to further discuss the option for requiring Planning Commission review for the bonus to be granted on an individual basis.

Carl Cahill recommended that it could be stated "at the discretion at the Planning Director any application may be referred to the Planning Commission". He explained that the Land Use box was not checked because there is no change to land use and planning. The ordinance does not physically divide an established community; it does not conflict with applicable land use plan policy or regulation of the agency and does not conflict with any applicable habitat conservation plan or natural community conservation plan as explained on page 10.

Chairman Cottrell asked about the one acre minimum and if consideration would be given to smaller lots. Discussion ensued amidst the Commission members regarding the minimum size lot, development area and Planning Commission review.

Chairman Cottrell wanted the provision added that the Planning Director may refer any development area bonus application to the Planning Commission.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns, seconded by Commissioner Clow to recommend that the City Council adopt the proposed ordinance amendment to section 10-1.502b with the following changes in item A to add that lots with net area less than one acre requesting bonus area shall be reviewed by the Planning Commission for approval. Add an additional item H stating that the Planning Director may refer projects utilizing the additional bonus area to Planning Commission for approval. In item D modify the second sentence to read "to be installed within six months."

AYES: Chairman Cottrell, Commissioners Clow, Collins and Kerns

NOES: Carey

This item will be scheduled for a future City Council meeting.

3.4 AN AMENDMENT TO THE SITE DEVELOPMENT
ORDINANCE REQUIRING REMOVAL OF BLUE GUM
EUCALYPTUS TREES (EUCALYPTUS GLOBULUS) AT

TIME OF SITE DEVELOPMENT APPROVAL. (SECTION 10-2.802) CEQA REVIEW: MITIGATED NEGATIVE DECLARATION. (Staff - Debbie Pedro)

Debbie Pedro, Senior Planner, presented the staff report. Planning Commission had directed staff at the April meeting to consult with an arborist to determine if all Eucalyptus trees should be required to be removed regardless of species. According to the arborist report prepared by Barrie Coate, some Eucalyptus trees are relatively trouble free and may be suitable for ornamental plantings around homes and roadways. The six commonly grown Eucalyptus species that should be avoided include: Tasmanian Blue Gum (*Eucalyptus globulus*); Pink Ironbark (*Eucalyptus sideroxylon rosea*); River Red Gum (*Eucalyptus camaldulensis*); Swamp Gum, (*Eucalyptus rudis*); Honey Gum (*Eucalyptus melliodora*); and Manna Gum (*Eucalyptus viminalis*). The draft ordinance had been amended to include that these six species be required to be removed at the time of the construction of a new residence or a major addition.

Commissioner Collins appreciated the reduction in scope of Eucalyptus elimination from all Eucalyptus species to only these six. She questioned if all species mentioned in the report were actually planted in Town.

OPENED PUBLIC HEARING

Sandra Humpries, Environmental Design Committee, thanked the Planning Commission for consideration of her comments on the time for removal of Eucalyptus trees not to coincide with bird nesting season.

CLOSED PUBLIC HEARING

Commissioner Collins supported the effort for Eucalyptus removal and appreciated the reduction in species. She supported the removal of Eucalyptus trees for new developments for liability reasons for the Town. She supported roadway tree removal but had trouble with the support of removal of Eucalyptus trees over an entire property

Commissioner Carey wanted reasonable parameters and could not see the reason for requiring removal of mature Eucalyptus trees on large parcels that are not in danger of falling on houses or roadways. He suggested wording in the ordinance that named Eucalyptus trees must be removed unless an exception is granted by the Planning Commission or Planning Director.

Chairman Cottrell had no problem with mandatory removal near or on roadways but had concerns about removal of trees not located near roadways.

Commissioner Kerns supported removal of all Eucalyptus trees because the trees are dangerous wherever they might be on the property.

Commissioner Carey was concerned that it might be a financial hardship for some people to remove the trees. Carl Cahill stated that as a percentage of the overall cost of a new home the

removal of standing Eucalyptus trees may not be significant but could be a significant cost for a small addition.

Discussion ensued among the Commissioners regarding Eucalyptus tree removal and it was decided that exceptions could be granted for trees greater than 150 feet away from a roadway or structure

MOTION SECONDED AND PASSED: Motion by Commissioner Carey, seconded by Clow to forward a recommendation to the City Council to adopt the resolution approving the proposed amendments to section 10.2.802 requiring removal of Eucalyptus trees at the time of site development approval and add to subsection G that specific exceptions may be granted by the Planning Authority for Eucalyptus trees greater than 150 feet from a roadway or structure.

AYES: Chairman Cottrell, Commissioners Clow, Carey Collins and Kerns
NOES: None

This item will be scheduled for a future City Council agenda.

4. OLD BUSINESS-none

5. NEW BUSINESS-none

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for May 11th-Commissioner Clow

Commissioner Clow commented on the City Council's interest in the Planning Commission vote on items and that the Planning Commission vote will now be printed on the City Council Agenda.

6.2 Planning Commission Representative for May 25th-Cancelled

6.3 Planning Commission Representative for June 8th-Commissioner Carey

6.4 Planning Commission Representative for June 22nd-Commissioner Kerns

7. APPROVAL OF MINUTES

7.1 Approval of May 4, 2006 minutes.

The May 4, 2006 Planning Commission minutes are continued until the July 20th 2006 Planning Commission Meeting.

8. REPORT FROM FAST TRACK MEETING-MAY 16 AND MAY 23, 2006

8.1.1 LANDS OF LE, 26485 St. Francis Road (184-05-ZP-SD-GD) A request for a Site Development Permit for a new two-story residence, secondary unit and pool. The project totals 6,034 square feet of floor

area and is a maximum height of 27 feet. CEQA status: exempt per 15303 (a) (staff-Brian Froelich) Approved with Conditions

- 8.1.2 LANDS OF WILSON, 10435 Albertsworth Lane (156-04-ZP-SD-GD) A request for a Site Development Permit for a 1,785 square foot addition and remodel. The project includes expansion of the existing garage and a partial second floor addition. The maximum proposed building height is 23'. CEQA status: exempt per 15301 (e) (staff-Brian Froelich) Approved with Conditions

9. REPORT FROM SITE DEVELOPMENT MEETING- MAY 2, MAY 23 AND MAY 30, 2006

- 9.1.1 LANDS OF PETERS, 25325 Elena Road (49-06-ZP-SD); A request for a Site Development permit for a new 1,930 square foot pool and patio. (staff-Brian Froelich). Approved with Conditions.
- 9.1.2 LANDS OF GRANT, 27235 Byrne Park Lane (81-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan. (staff-Debbie Pedro). Approved with Conditions.
- 9.1.3 LANDS OF LEONARD/MASON, 12764 Alta Verde Lane (59-06-ZP-SD); A request for a Site Development Permit for an 836 sq. ft. garage addition and interior remodel (maximum height: 17'9"). (staff-Debbie Pedro). Approved with Conditions.
- 9.1.4 LANDS OF SILVER, 12580 Miraloma Way (46-06-ZP-SD); A request for a Site Development Permit for a new 1,441 square foot pool/spa and decking. (staff-Brian Froelich). Approved with Conditions.

PASSED BY CONSENSUS: To reschedule the July 6, 2006 Planning Commission meeting to July 20, 2006.

ADJOURNMENT

The meeting was adjourned by consensus at 8.42 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary